

Wisconsin Department of Corrections

PRISON RAPE ELIMINATION ACT 2021 Annual Report



November 2022
Office of the Secretary
PREA Office

Wisconsin Department of Corrections

PREA | 2021 Annual Report Table of Contents

INTRODUCTION	3
DEFINITIONS	3
AGENCY AND FACILITY ACHIEVEMENTS	5
ANNUAL COMPARISON DATA	7
2021 SEXUAL ABUSE AND SEXUAL HARASSMENT DATA	8
CONTRACT FACILITY SEXUAL ABUSE AND SEXUAL HARASSMENT DATA	12
LOOKING FORWARD	13

Inquiries regarding this report may be directed to DOCPREAData@wisconsin.gov

INTRODUCTION

The State of Wisconsin is committed to preventing, detecting, and responding to sexual abuse and sexual harassment in confinement. The Wisconsin Department of Corrections (WI DOC or agency) has zero tolerance for sexual abuse and sexual harassment in all of its confinement facilities. This report is an overview of agency and facility aggregated data, achievements, and corrective action as it pertains to the Prison Rape Elimination Act (PREA).

Background

The Prison Rape Elimination Act was signed into law in 2003 after unanimous support from Congress. PREA was the first federal law to address sexual abuse in confinement facilities. The federal law created the National Prison Rape Elimination Commission and charged it with developing standards for the elimination of sexual abuse and sexual harassment of inmates and youth in confinement¹.

The federal PREA standards were published on June 20, 2012 and became effective on August 20, 2012. There are four sets of standards which provide direction for adult prisons and jails, lockups, juvenile facilities, and community confinement facilities. The prisons and jails standards apply to the agency's 36 adult facilities while the juvenile facilities standards apply to the agency's two youth facilities.

Purpose

The Prison Rape Elimination Act requires that each agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The agency shall, then, aggregate the incident-based sexual abuse data at least annually and review it in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. In addition to data pertaining to sexual abuse, WI DOC also compiles and publishes data pertaining to sexual harassment allegations.

This report is intended to:

- Identify any problem areas for the agency and facilities;
- Describe corrective action implemented by the agency and facilities;
- Compare the current year's sexual abuse and sexual harassment allegation data and corrective actions to the previous year; and
- Assess facility and agency progress in addressing sexual abuse and sexual harassment in confinement.

DEFINITIONS

Case Disposition

Substantiated. An allegation that was investigated and determined to have occurred.

Unsubstantiated. An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Unfounded. An allegation that was investigated and determined not to have occurred.

Sexual Abuse

Offender-on-Offender Sexual Abuse. Sexual abuse of an offender by another offender includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Staff, Contractor, or Volunteer²-on-Offender Sexual Abuse. Sexual abuse of an offender by a staff member includes any of the following acts, with or without consent of the offender:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1)-(5) of this section;
7. Any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; and
8. Voyeurism by a staff member.

Voyeurism

An invasion of privacy of an offender by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in their cell to perform bodily functions; requiring an offender to expose their buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

Sexual Harassment

Offender-on-Offender Sexual Harassment. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another.

Staff-on-Offender Sexual Harassment. Repeated verbal comments or gestures of a sexual nature to an offender by a staff member, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

AGENCY AND FACILITY ACHIEVEMENTS

Historical

The Wisconsin Department of Corrections has been working to prevent, detect, and respond to sexual abuse and sexual harassment in confinement for many years. Since 2007, WI DOC has employed a full time PREA director to coordinate and oversee the agency's implementation and compliance efforts. To complement this effort, each facility has a designated staff member who, in addition to their regular duties, is assigned as the PREA compliance manager and is responsible for facility-level compliance. Each facility also has a victim services coordinator who, in addition to their regular duties, is responsible for connecting victims to internal and external emotional support services and monitoring them for retaliation.

Training and technical assistance is fundamental to WI DOC and its PREA Office. For many years, WI DOC has educated staff, contractors, and volunteers as well as outside stakeholders, including sexual assault service providers, law enforcement, and prosecutors, on PREA and related policy application. The agency provides comprehensive PREA education to inmates and youth, which includes the distribution of a handbook detailing their rights, strategies to stay safe, a description of reporting methods, and support resources. Further, WI DOC has encouraged staff members to participate in the National PREA Resource Center Auditor Trainings; the agency has sponsored the attendance of 31 staff members since the training's inception.

The agency has created multiple methods for staff and offenders to report imminent harm and incidents of sexual abuse and sexual harassment; two of those methods include internal and external reporting hotlines. Following a report of sexual abuse, WI DOC implements a coordinated response protocol, which includes maintaining evidence preservation kits, documenting report in an integrated allegation and investigation tracking database, and collaborating with outside sexual assault service providers to provide emotional support to victims. All protocols and procedures are consistent with the PREA standards. Each policy is rooted in an effort to prevent, detect, and respond to incidents of sexual abuse and sexual harassment and aligns with the agency's zero tolerance mission.

2021 Achievements

In 2021, Wisconsin Department of Corrections continued to strengthen implementation and compliance efforts. The task was especially heavy as the agency continued to modify operations in response to the COVID-19 health pandemic. Although the manner in which compliance was achieved shifted at times in some facilities, throughout, PREA compliance remained a priority.

Agency accomplishments during the year included:

- Processed at least 906 sexual abuse and sexual harassment hotline calls;
- Shifted responsibility of staff-on-offender sexual abuse and sexual harassment investigations from facility-based investigators to Internal Affairs Office;
- Trained new investigators added to the Internal Affairs Office as a result of expanded scope;
- Updated a sexual abuse and sexual harassment investigation manual;
- Conducted eight virtual investigations refresher trainings for existing specialized investigators;
- Expanded Investigation Committee from a division-level initiative to agency-level (PREA Director co-chair);
- Trained 16 new specialized investigators;
- Provided virtual instruction to over 1,000 new non-uniform staff, pre-service staff, youth counselors, agents, and health service staff;
- Published a biennial refresher training module for all staff;
- Analyzed best practices for housing transgender inmates and refined a draft policy;
- Created or modified various Division of Adult Institution policies as they relate to PREA;

- Conducted compliance monitoring of county jails and community confinement facilities serving in a contracted capacity;
- Reviewed facility staffing plans, in consultation with the PREA Director;
- Participated in the National PREA Coordinator Working Group;
- Remained a member of Western States PREA Auditing Consortium (PREA Director co-chair);
- Audited seven adult facilities in California and Oregon as part of Western States PREA Auditing Consortium;
- Completed three WI DOC facility PREA audits (six postponed due to the COVID-19 pandemic);
- Began federal grant coaching with Just Detention International (JDI) as part of a 2020 federal grant award;
- Collaborated with JDI on the production of a new adult education video;
- Partnered with JDI on Words of Hope project;
- Finalized and posted the *PREA 2020 Annual Report*;
- Completed the annual Bureau of Justice Statistics Survey of Sexual Victimization; and
- Submitted a Governor's PREA assurance for Audit Cycle III, Year II.

Facility accomplishments and corrective action during the year included:

- Modified physical plant (i.e. windows, mirrored bubbles, office/bathroom structures) for greater visibility;
- Adapted showering areas (i.e. added curtains/privacy film, remodeled physical structure) for greater privacy between inmates and to prevent cross-gender staff viewing;
- Opened or removed window coverings and/or doors from closets, offices, rooms, and hallways;
- Improved privacy, while balancing safety, in observation cells;
- Modified staffing patterns, traffic patterns, and movement schedules;
- Installed additional or new locking mechanisms on doors and outbuildings;
- Adjusted camera angles, increased video recording retention periods, and installed new cameras;
- Participated in a pilot project to update vehicle cameras;
- Reviewed planned physical plant modifications/projects for compliance;
- Reassigned victim services coordinator and PREA compliance manager responsibilities;
- Integrated regional PREA compliance manager and model into four facilities;
- Enhanced system of cross-gender announcing for those who are deaf or have limited hearing;
- Modified and/or reviewed opposite gender announcing expectations and procedures;
- Provided first responder refresher training and resources;
- Engaged staff with creative learning tools like scavenger hunt, flashcards, PREA Fun Facts, and adaptations of Jeopardy and Wheel of Fortune;
- Circulated various training briefs (to include cross-gender and transgender search procedures);
- Hosted fraternization training for food service staff members;
- Redeveloped a tracking mechanism for contractor background checks and training;
- Strengthened inmate education procedures and practices, including refreshing posted materials;
- Facilitated site-specific transgender committee;
- Improved timeliness of risk screening;
- Updated or developed facility procedures to align with division policies;
- Prioritized outstanding investigations and improved process to ensure future investigations are completed promptly;
- Created facility-level procedures for investigation database (SINC) workflow and documentation;
- Collaborated with local sexual assault nurse examiner to enhance service delivery;
- Resumed county PREA SART meetings;
- Convened a PREA workgroup for audit preparation and beyond;
- Refocused sexual abuse incident reviews for greater impact; and
- Enhanced and recirculated respective coordinated response plans.

ANNUAL COMPARISON DATA

Total Allegations 2020 to 2021³

The following tables display the changes in total allegations, total sexual abuse allegations, and total sexual harassment allegations, by disposition and division, from 2021 to previous year data.

CHANGES IN TOTAL ALLEGATIONS (2020 TO 2021)		
DISPOSITION	DAI	DJC
Substantiated	+2	-4
Unsubstantiated	-3	-2
Unfounded	-16	-10
Ongoing ⁴	0	0

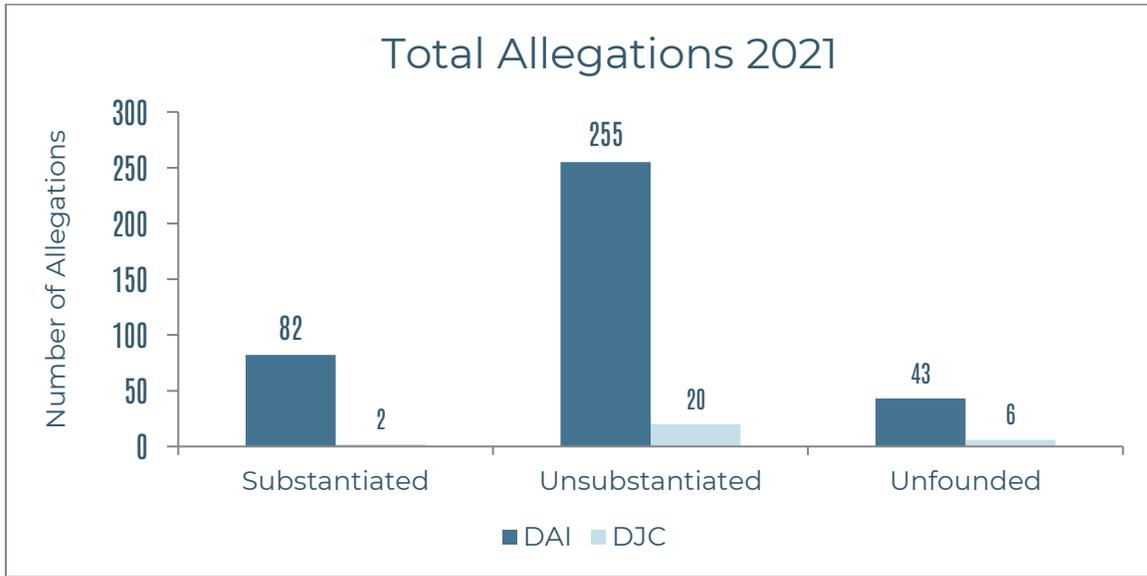
CHANGES IN SEXUAL ABUSE ALLEGATIONS (2020 TO 2021)		
DISPOSITION	DAI	DJC
Substantiated	+16	-3
Unsubstantiated	+21	-4
Unfounded	-12	-11
Ongoing ⁴	0	0

CHANGES IN SEXUAL HARASSMENT ALLEGATIONS (2020 TO 2021)		
DISPOSITION	DAI	DJC
Substantiated	-14	-1
Unsubstantiated	-24	+2
Unfounded	-4	+1
Ongoing ⁴	0	0

2021 SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

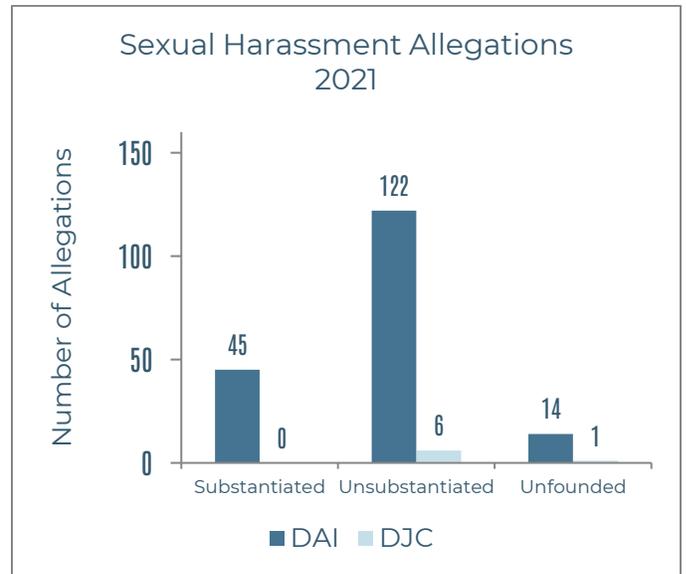
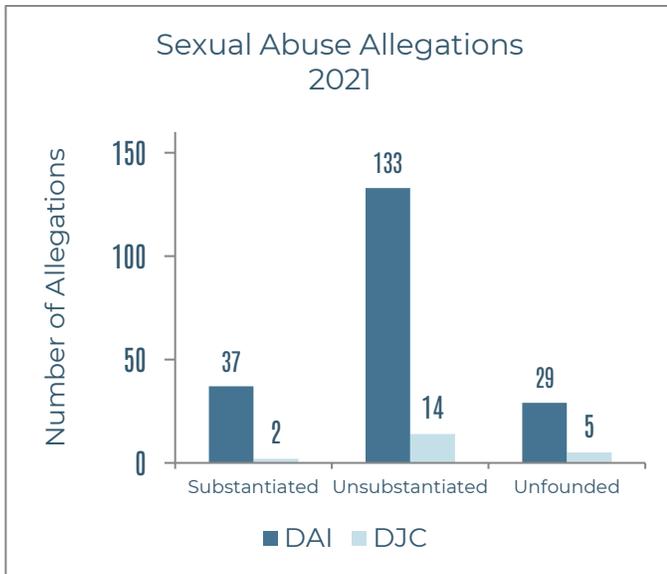
Total Allegations

In calendar year 2021 there were 408 allegations of sexual abuse or sexual harassment reported, as defined under PREA, within Division of Adult Institutions (DAI) and Division of Juvenile Corrections (DJC). The total number of allegations by disposition are:



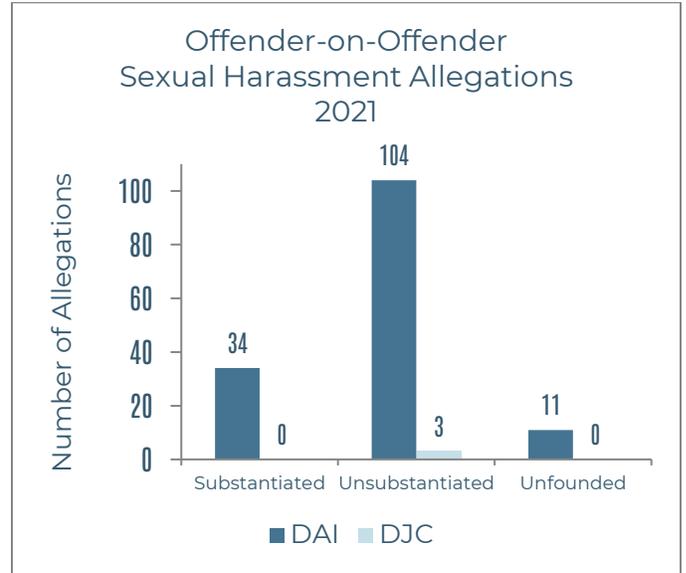
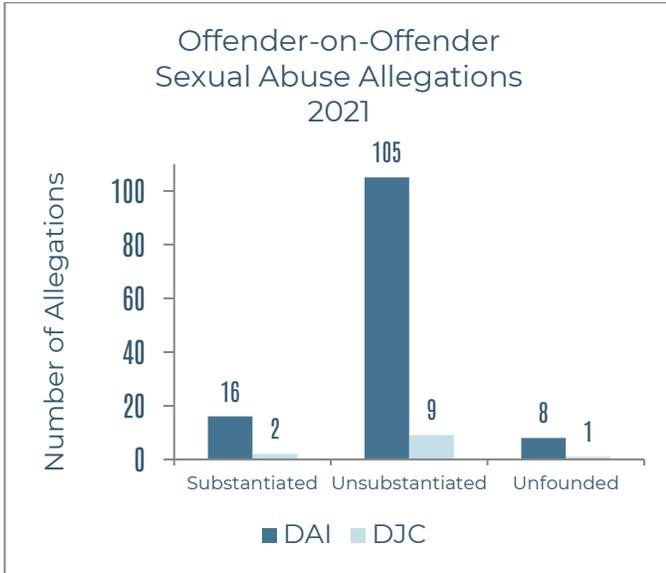
Total Sexual Abuse and Sexual Harassment Allegations

The following two graphs illustrate the 408 reported incidents of alleged sexual abuse and alleged sexual harassment, by disposition and division, in 2021.



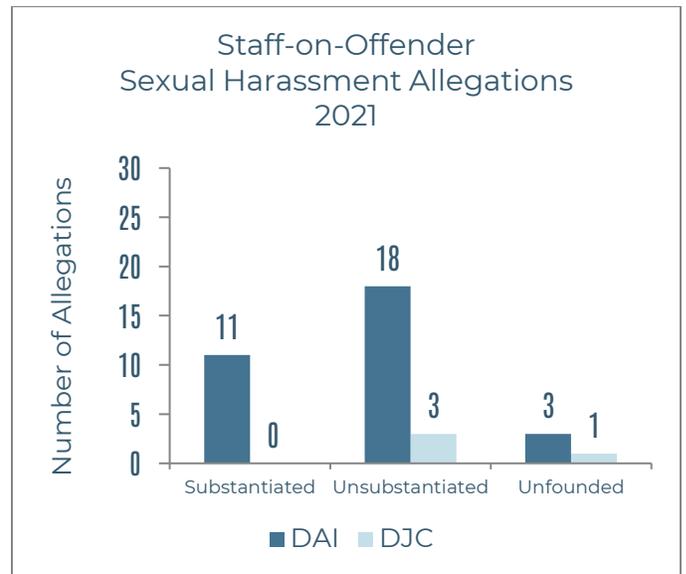
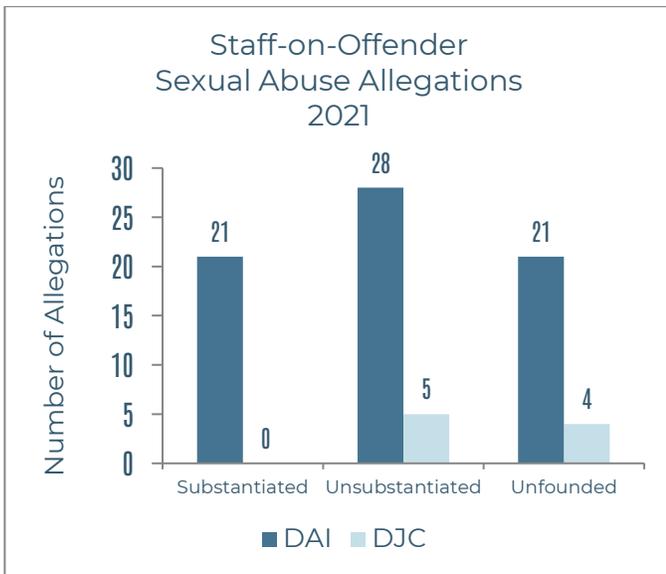
Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations

Of the 408 allegations that were reported in 2021, 72% (293) were offender-on-offender incidents. The following two graphs illustrate the reported incidents of alleged offender-on-offender sexual abuse and alleged offender-on-offender sexual harassment, by disposition and division, in 2021.



Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations

Of the 408 allegations that were reported in 2021, 28% (115) were staff-on-offender incidents. The following two graphs illustrate the reported incidents of alleged staff-on-offender sexual abuse and alleged staff-on-offender sexual harassment, by disposition and division, in 2021.



Sexual Abuse and Sexual Harassment Allegations by Facility

The following two tables illustrate the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and facility, in 2021.

2021 Total Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations by Facility and Disposition				
Facility	Total	Substantiated	Unsubstantiated	Unfounded
Black River Correctional Center	0	0	0	0
Chippewa Valley Correctional Treatment Facility	3	1	2	0
Columbia Correctional Institution	13	2	10	1
Dodge Correctional Institution	21	2	18	1
Drug Abuse Correctional Center	1	0	1	0
Ethan Allen School ⁵ ⁶	2	1	1	0
Felmers O. Chaney Correctional Center	0	0	0	0
Flambeau Correctional Center	0	0	0	0
Fox Lake Correctional Institution	12	5	7	0
Gordon Correctional Center	0	0	0	0
Green Bay Correctional Institution	26	9	17	0
Grow Academy ⁵	0	0	0	0
Jackson Correctional Institution	6	0	5	1
John C. Burke Correctional Center	1	0	0	1
Kenosha Correctional Center	0	0	0	0
Kettle Moraine Correctional Institution	3	0	3	0
Lincoln Hills/Copper Lake School ⁵	13	1	11	1
Marshall E. Sherrer Correctional Center	0	0	0	0
McNaughton Correctional Center	0	0	0	0
Milwaukee Secure Detention Facility	6	0	6	0
Milwaukee Women’s Correctional Center	2	0	2	0
New Lisbon Correctional Institution	14	4	8	2
Oakhill Correctional Institution	5	0	3	2
Oregon Correctional Center	0	0	0	0
Oshkosh Correctional Institution	48	14	28	6
Prairie du Chien Correctional Institution	0	0	0	0
Racine Correctional Institution/ Sturtevant Transitional Facility	12	0	10	2
Racine Youthful Offender Correctional Facility	5	0	5	0
Redgranite Correctional Institution	22	4	17	1
Robert E. Ellsworth Correctional Center	8	3	5	0
Sanger B. Powers Correctional Center	0	0	0	0
St. Croix Correctional Center	0	0	0	0
Stanley Correctional Institution	11	1	10	0
Taycheedah Correctional Institution	28	0	28	0
Thompson Correctional Center	0	0	0	0
Waupun Correctional Institution	23	3	19	1
Winnebago Correctional Center	0	0	0	0
Wisconsin Resource Center ⁷	4	1	3	0
Wisconsin Secure Program Facility	4	1	2	1
Total	293	52	221	20

2021 Total Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations by Facility and Disposition				
Facility	Total	Substantiated	Unsubstantiated	Unfounded
Black River Correctional Center	0	0	0	0
Chippewa Valley Correctional Treatment Facility	2	1	1	0
Columbia Correctional Institution	11	2	8	1
Dodge Correctional Institution	5	2	2	1
Drug Abuse Correctional Center	1	0	0	1
Ethan Allen School ^{5 6}	1	0	1	0
Felmers O. Chaney Correctional Center	1	0	1	0
Flambeau Correctional Center	0	0	0	0
Fox Lake Correctional Institution	0	0	0	0
Gordon Correctional Center	0	0	0	0
Green Bay Correctional Institution	11	2	5	4
Grow Academy ⁵	0	0	0	0
Jackson Correctional Institution	0	0	0	0
John C. Burke Correctional Center	0	0	0	0
Kenosha Correctional Center	0	0	0	0
Kettle Moraine Correctional Institution	6	1	1	4
Lincoln Hills/Copper Lake School ⁵	12	0	7	5
Marshall E. Sherrer Correctional Center	0	0	0	0
McNaughton Correctional Center	0	0	0	0
Milwaukee Secure Detention Facility	1	1	0	0
Milwaukee Women's Correctional Center	0	0	0	0
New Lisbon Correctional Institution	2	1	1	0
Oakhill Correctional Institution	6	1	4	1
Oregon Correctional Center	0	0	0	0
Oshkosh Correctional Institution	4	2	0	2
Prairie du Chien Correctional Institution	2	1	1	0
Racine Correctional Institution/ Sturtevant Transitional Facility	19	12	6	1
Racine Youthful Offender Correctional Facility	0	0	0	0
Redgranite Correctional Institution	5	0	4	1
Robert E. Ellsworth Correctional Center	3	1	2	0
Sanger B. Powers Correctional Center	0	0	0	0
St. Croix Correctional Center	0	0	0	0
Stanley Correctional Institution	3	1	2	0
Taycheedah Correctional Institution	2	1	0	1
Thompson Correctional Center	0	0	0	0
Waupun Correctional Institution	12	2	6	4
Winnebago Correctional Center	1	0	0	1
Wisconsin Resource Center ⁷	2	1	1	0
Wisconsin Secure Program Facility	3	0	1	2
Total	115	32	54	29

CONTRACT FACILITY SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

WI DOC contracts for the confinement of offenders who are in the custody of DAI and for offenders who are on community supervision. The following table illustrates the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and contracted agency, in 2021.

2021 Total Sexual Abuse and Sexual Harassment Allegations By Contract Facility and Disposition				
Contract Facility	Total	Substantiated	Unsubstantiated	Unfounded
ARC Community Services	3	3	0	0
Attic Correctional Services	2	0	2	0
Bethany Recovery Services	0	0	0	0
Fond du Lac County Jail	4	0	0	4
Genesis	0	0	0	0
Jefferson County Jail	7	1	5	1
Joshua Glover Residential Reentry Center (WCS)	2	0	0	2
Juneau County Jail	4	0	1	3
Lutheran Social Services	2	1	1	0
Marquette County Jail	1	0	0	1
Milwaukee County House of Correction	4	1	3	0
Oneida County Jail	3	0	1	2
Ozaukee County Jail	6	0	2	4
Portage House	0	0	0	0
Racine County Jail	23	1	10	12
Rock Valley Community Programs	1	0	1	0
Ryan Community	1	1	0	0
Rock County Jail	40	4	13	23
Sauk County Jail	2	0	1	1
DJC Spirit of the North, Inc.	0	0	0	0
Vernon County Jail	0	0	0	0
Vilas County Jail	4	0	0	4
Total	109	12	40	57

LOOKING FORWARD

In 2021, Wisconsin Department of Corrections carried on with the complexities of operation set into motion by the COVID-19 health pandemic. As the world around us returned to a new state of normal, so too did our agency. While our new normal became laced with challenges like unprecedented staffing shortages, it presented an opportunity to reset - to celebrate the incredible teamwork every discipline demonstrated; to apply the health, safety, and security lessons learned; and to reaffirm our commitment to best correctional practices – which includes PREA compliance.

As this annual report reveals, we experienced an eight percent reduction in the number of allegations from 2020 to 2021. Our agency takes great care to implement conventional and unconventional sexual abuse and sexual harassment intervention strategies. This response allows us to hold perpetrators responsible for harming others at a rate unlike many agencies of similar size and scope. We consider this a reflection of a healthy reporting culture, skilled investigators, and effective video monitoring technology. In addition to holding perpetrators responsible, we value restoring wellbeing to survivors. Both actions affect the strength of our facilities and communities.

Looking forward to the coming year, in addition to maintaining existing implementation activities, the agency will evolve with best practice and, specifically, enrich compliance efforts in the following ways:

- To the extent safely possible, resume a full schedule of audit activities;
- Facilitate quarterly PREA-related orientation and booster trainings for compliance managers, supervisors, investigators, victim services coordinators, screeners, and educators;
- Implement Transgender Management and Care policy;
- Learn from colleagues and stakeholders at the 4th Annual National PREA Coordinator Conference;
- Host PREA Compliance Manager and Victim Services Coordinator workshops; and
- Update and create policy where applicable.

These specific actions are reflective of the agency’s commitment to zero tolerance. The compilation of new and existing compliance approaches will move the agency closer to our vision of preventing sexual abuse and sexual harassment in our confinement facilities.



Kevin A. Carr
Secretary
Wisconsin Department of Corrections

¹ Inmates and youth are collectively referred to herein as “offenders,” unless noted, at which time they will be referred to as inmate or youth. As an agency, WI DOC is moving away from the term “inmate,” in favor of “person in our care,” in an effort to dignify the humanity of confined people. This report continues to use “offender” and “inmate” to align with federal PREA legislation.

² Staff, contractors, and volunteers are referred to herein as “staff” or “staff members.”

³ As a result of closing ongoing cases, 2020 data (total and by disposition) presented in this report (p.7) may be slightly different than the figures published in the preceding 2020 WI DOC Annual Report.

⁴ Ongoing investigations at 2020 year-end have since been closed; these allegations were moved from the “Ongoing” category and given a proper disposition.

⁵ A youth facility managed by WI DOC Division of Juvenile Corrections. The remaining facilities are adult facilities managed by WI DOC Division of Adult Institutions.

⁶ Ethan Allen School, operated by WI DOC, closed in 2011. Alleged incidents of sexual abuse or sexual harassment reflected in the table occurred while the facility was operational; the allegations were received and investigated in 2021.

⁷ An adult confinement facility managed by Wisconsin Department of Health Services. This facility serves WI DOC inmates and is, in part, staffed by WI DOC security staff.